

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
JAMES M. TOSHACH, JR. and DEBRA TOSHACH,

Plaintiffs,

AFFIDAVIT OF SERVICE
OF SUMMONS AND COMPLAINT

- against -

THE CITY OF NEW YORK and AMEC CONSTRUCTION
MANAGEMENT, INC., et al.

Defendants.

-----X
STATE OF NEW YORK, COUNTY OF NEW YORK) SS.:

The undersigned, being duly sworn, deposes and says:

Deponent is not a party herein, is over 18 years of age with a business address at 120 Broadway, New York, New York 10271.

That on JULY 3, 2008, at 11:44 A.M. at 100 Church Street, New York, NY 10007, deponent served the within SUMMONS AND COMPLAINT on: THE CITY OF NEW YORK

Individual By delivering a true copy of each to said defendant personally. Deponent knew the person so served to be the person described as said defendant therein.

Corporation A municipal corporation, by delivering thereat a true copy of each to Amanda Gonzalez personally. Deponent knew said corporation so served to be the corporation in said SUMMONS AND COMPLAINT as said defendant and knew said individual to be the docketing clerk thereof.

Suitable Age Person By delivering thereat a true copy of each to _____, a person of suitable age and discretion. Said premises is defendant's - actual place of business - dwelling place - usual place of abode within the state.

Affixing to Door, etc. By affixing a true copy of each to the door of said premises, which is defendant's actual place of business - dwelling place - usual place of abode - within the state. Deponent was unable, with due diligence, to find defendant or a person of suitable age and discretion thereafter, having called there _____.

Mailing to Residence Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence at _____ and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Mailing to Business Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business at _____ in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

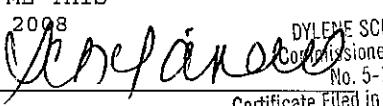
Male White Skin Black Hair White Hair 14-20 Yrs. Under 5' Under 100 Lbs.
 Female Black Skin Brown Hair Balding 21-35 Yrs. 5'0"-5'3" 100-130 Lbs.
 Yellow Skin Blond Hair Mustache 36-50 Yrs. 5'4"-5'8" 131-160 Lbs.
 Brown Skin Gray Hair Beard 51-65 Yrs. 5'9"-6'0" 161-200 Lbs.
 Red Skin Red Hair Glasses Over 65 Yrs. Over 6' Over 200 Lbs.

Other Identifying features: _____

USE IN NYC CIVIL
COURT - MILITARY
SERVICE

The words "CONSUMER CREDIT TRANSACTION" were properly displayed at the top of the summons(es) and the additional legend was printed in not than 12 point bold upper case on the summons(es) pursuant to 22 NYCRR Section 208.6(d) and (f). I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above named. Upon information and belief, I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal Statutes.

SWORN TO BEFORE ME THIS

8th day of July, 2008
Notary PublicDYLENE SCHIFANDO
Commissioner of Deeds
No. 5-1402
Certificate Filed in New York County
Commission Expires June 10, 2010KENNETH GRAHAM
License No: 0980098